

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
AT NASHVILLE, TENNESSEE

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REGULATORY AUTH.  
'99 JUL 23 PM 1 20

CONSUMER ADVOCATE DIVISION

vs.

BELLSOUTH TELECOMMUNICATIONS,  
INC.

OFFICE OF THE  
EXECUTIVE SECRETARY

Docket No. 99-00391

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MOTION TO CONTINUE AND TO CONTINUE SUSPENSION OF TARIFF

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Comes the Consumer Advocate Division of the Office of the Attorney General to respectfully request the Tennessee Regulatory Authority to continue the July 27, 1999 hearing in docket no. 99-00391. For cause the Consumer Advocate Division would show:

1. That the Consumer Advocate Division filed a Petition for Declaratory Order; Complaint and Petition for Injunctive Relief on June 15, 1999.
2. That the Tennessee Regulatory Authority scheduled a hearing for June 22, 1999 with respect to the Consumer Advocate Division's Petitions and complaint.
3. That the Tennessee Regulatory Authority at the June 22, 1999 hearing voted to allow BellSouth until June 25, 1999 to respond to the Consumer Advocate Division's Petition for Declaratory Order; Complaint and Petition for Injunctive Relief and suspended BellSouth's tariff through July 30, 1999. On June 30, 1999 the TRA entered its written order.
4. That on June 22, 1999, BellSouth filed a document titled Response of BellSouth Telecommunications, Inc. To the Consumer Advocate Division's Petition for Declaratory Order; Complaint and Petition for Injunctive Relief.

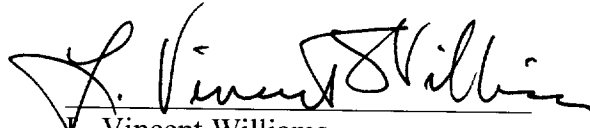
5. In its response BellSouth simply argued that the TRA need not take any action.
6. The Consumer Advocate Division replied to BellSouth's response on June 25, 1999.
7. On June 30, 1999 BellSouth sent a letter to the Tennessee Regulatory Authority requesting that docket 99-00391 be placed on the Authority's agenda.
8. That the Authority placed said docket 99-00391 on a preliminary agenda for July 27, 1999 but unlike other agenda's did not provide notice of what would be considered at the hearing.
9. That the Consumer Advocate Division lawfully requested the **Authority, not BellSouth,** to provide a more definite and detailed statement of the matters the agency intended to consider pursuant to Tenn. Code Ann. § 4-5-307 (3) and specifically inquired whether the agency intended to consider the Consumer Advocate Division's Petitions and Complaint.
10. The Authority, in its final agenda notice, included CAD's Petitions and Complaint.
11. That notwithstanding the fact that, CAD's request for more definite and detailed statement was addressed to the agency, BellSouth, on the afternoon of July 21, 1999 filed "BellSouth Telecommunications's Inc.'s Response to Request for more detailed and definite statement."
12. That BellSouth's July 21, 1999 Response argues for summary judgment by alleging that there are no disputes of material fact and that judgment in its favor is required as a matter of law and makes other false allegations about CAD's source of authority.
13. That the July 27, 1999 hearing date does not provide the Consumer Advocate Division with sufficient time to respond to BellSouth's arguments and that the Consumer Advocate Division's procedural and substantive due process rights will be denied if the

hearing is held on July 27, 1999.

14. That the Consumer Advocate Division respectfully requests that the July 27, 1999 hearing be continued to provide the Consumer Advocate Division with a fair and reasonable opportunity to respond to BellSouth and further that BellSouth's tariff be suspended until the agency considers all arguments and arrives a principled decision based upon statutory factors.

Wherefore the Consumer Advocate Division prays that the July 27, 1999 hearing be continued to permit the Consumer Advocate Division to fairly respond to BellSouth's July 21, 1999 arguments, including its summary judgment arguments and that BellSouth's tariff be suspended until the agency considers all arguments and arrives a principled decision based upon statutory factors.

Respectfully Submitted,



L. Vincent Williams

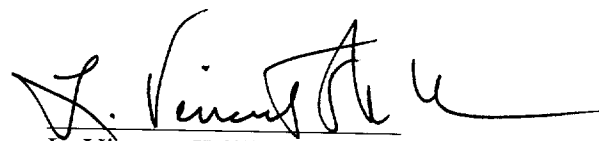
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Certificate of Service

I hereby certify that a true and correct copy of the foregoing Document has been mailed

postage prepaid to the parties listed below this 23<sup>rd</sup> day of July, 1999.

Guy Hicks, Esq.  
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L. Vincent Williams